



Date: July 3, 2012

To: Thomas J. Bonfield, City Manager
Through: Theodore L. Voorhees, Deputy City Manager
From: Marvin G. Williams, Director of Public Works
Subject: NCIMED Construction Inspections Contract ST-259

Executive Summary

Kimley-Horn and Associates has been retained by the City since December 11, 2008 as part of an on-call supplemental agreement. Kimley-Horn and Associates has provided design, contract administration and construction inspection for the City Hall Plaza Streetscape, contract ST-243, as well as design and pre-construction contract administration for the Streetscape Sidewalk Construction for North Carolina Institute of Minority Economic Development (NCIMED), contract ST-259, under this on-call agreement and the four amendments previously approved by City Council.

Recommendation

The Administration recommends that the City Council authorize the City Manager to amend the on-call supplemental agreement with Kimley-Horn and Associates by \$96,500.00 to provide contract administration and construction inspections services for the ST-259 project.

Background

The ST-259 construction project involves the streetscape at 114 Parish Street at the NCIMED building and improvement to the NCIMED building basement. The main tenant of the NCIMED building is Mechanics and Farmers Bank. This is the last remaining section of missing sidewalk from the 2005 Downtown Improvements project. At the front of the NCIMED building is a section of sidewalk in the public rights-of-way that also serves as the roof to the basement. Water and electrical systems within the basement beneath the rights-of-way will be relocated. The section of the basement within the rights-of-way will then be filled and a sidewalk constructed over the former basement. This will eliminate a hazardous condition within the rights-of-way and complete the streetscape in front of the NCIMED building.

The Public Works Department entered into an on-call supplemental professional services agreement with Kimley-Horn and Associates on December 11, 2008, for design services and construction administration related to ADA compliant improvements to City Hall Plaza. The original on-call agreement was for \$55,000.00. This agreement was amended on August 27, 2009, to design a new water line for City Hall Plaza at a cost of \$31,300.00. The agreement was further amended on March 15, 2010 to provide

\$62,000 for the design of improvements to the North Carolina Institute of Minority and Economic Development (NCIMED) building. The agreement was amended on January 18, 2011 to provide \$45,000 for construction administration on the City Hall Plaza project. The agreement was most recently amended on August 18, 2011 by \$38,500.00 for additional construction administration on the City Hall Plaza project. The current agreement total including the original agreement and four subsequent amendments is \$231,800.00. A fifth amendment to the agreement with Kimley-Horn and Associates for \$96,500.00 will provide construction administration and inspections for the ST-259 project and bring the total agreement to \$328,300.00.

Issues/Analysis

The Administration submits that construction administration and construction inspections for contract ST-259 will be best performed under the on-call agreement with Kimley Horn and Associates. Kimley-Horn and Associates is capable of providing qualified construction inspectors to oversee work performed by the contractor outside the public rights-of-way. Kimley-Horn and Associates will be able to provide construction inspections staff qualified to oversee the masonry, electrical, and backflow prevention elements of the project. Additionally, the amended on-call supplemental agreement will ensure that construction inspections staff can maintain a full-time presence on the construction site. Public Works does not employ staff member who are qualified to provide the needed inspections services or able to maintain a full time presence on the construction site.

Alternatives

The Council can choose to not amend the on-call agreement. Public Works does not employ staff qualified to provide construction inspections for the work scheduled to be performed on this project that is outside the public rights-of-way.

Financial Impact

Funds for this project are budgeted for in the following accounts:

Kimley-Horn and Associates Incorporated Professional Services Agreement

Original Agreement	\$55,000.00	City Hall Plaza Design
Amendment 1	\$31,300.00	City Hall Plaza Water Line Design
Amendment 2	\$62,000.00	NCIMED Building Design
Amendment 3	\$45,000.00	City Hall Plaza Construction Administration
Amendment 4	\$38,500.00	City Hall Plaza Construction Administration
Amendment 5	\$96,500.00	NCIMED Building Construction Administration

Amendment 5

2005 Street and Sidewalk Bonds	
3610L901-725000-LF100	\$32,500.00
Downtown Fund	
3612L010-731001-LL000	<u>\$64,000.00</u>
Total Amendment 5 Funds	\$96,500.00

SDBE Summary

This is a contract amendment and is not reviewed by the Department of Equal Opportunity/Equity Assurance for compliance with the Ordinance to Promote Equal Opportunities in City Contracting.

Kimley-Horn and Associates will be required to meet the overall participation goals per their original on-call agreement with the City.